

FIRST REGULAR SESSION

HOUSE BILL NO. 90

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

Pre-filed December 5, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0587L.011

AN ACT

To repeal sections 302.020 and 302.321, RSMo 2000, relating to drivers without a valid driving license, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 302.020 and 302.321, RSMo 2000, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 302.020 and 302.321, to read as follows:

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the
9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
12 or under such person's control to be driven upon any highway by any person whose license does
13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 person.

17 2. Every person operating or riding as a passenger on any motorcycle or motortricycle,
18 as defined in section 301.010, RSMo, upon any highway of this state shall wear protective
19 headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable
20 standards and specifications established by the director.

21 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
22 subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any
23 person convicted a third [or subsequent] time of violating subdivision (1) or (2) of subsection
24 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340,
25 violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and
26 the penalty for failure to wear protective headgear as required by subsection 2 of this section is
27 an infraction for which a fine not to exceed twenty-five dollars may be imposed.
28 Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall
29 be imposed upon any person due to such violation. No points shall be assessed pursuant to
30 section 302.302 for a failure to wear such protective headgear.

31 **4. Any person convicted of violating subdivision (1) or (2) of subsection 1 of this**
32 **section shall be sentenced as provided by sections 558.011, 560.011, and 560.016, RSMo;**
33 **except that any person who is convicted of violating subdivision (1) or (2) of subsection one**
34 **of this section shall be sentenced to and shall serve a minimum period of incarceration of**
35 **forty-eight hours for a first conviction, ten days for a second conviction, and thirty days**
36 **for a third conviction; and for any conviction after the third, a minimum of one year.**

302.321. 1. A person commits the crime of driving while revoked if he operates a motor
2 vehicle on a highway when his license or driving privilege has been canceled, suspended or
3 revoked under the laws of this state and acts with criminal negligence with respect to knowledge
4 of the fact that his driving privilege has been canceled, suspended or revoked.

5 2. Any person convicted of driving while revoked is guilty of a class A misdemeanor.
6 Any person with no prior alcohol-related enforcement contacts as defined in section 302.525,
7 convicted a fourth or subsequent time of driving while revoked and any person with a prior
8 alcohol-related enforcement contact as defined in section 302.525, convicted a third or
9 subsequent time of driving while revoked is guilty of a class D felony. No court shall suspend
10 the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of
11 a term of imprisonment, nor shall such person be eligible for parole or probation until he has
12 served [a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of
13 such parole or probation, such person performs at least ten days involving at least forty hours of
14 community service under the supervision of the court in those jurisdictions which have a
15 recognized program for community service] **the minimum sentence required by this section.**

16 Driving while revoked is a class D felony on the second or subsequent conviction pursuant to
17 section 577.010, RSMo, or a fourth or subsequent conviction for any other offense.

18 **3. Any person convicted of driving while revoked shall be sentenced as provided**
19 **by sections 558.011, 560.011, and 560.016, RSMo; except that any person who is convicted**
20 **of driving while revoked shall be sentenced to and shall serve a minimum period of**
21 **incarceration of forty-eight hours for a first conviction, ten days for a second conviction,**
22 **and thirty days for a third conviction; and for any conviction after the third, a minimum**
23 **of one year.**